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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,835

08/05/2004

Adam D. Dirstine

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07/08/2010

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

HUYNH, THU V

ART UNIT

PAPER NUMBER

2178

NOTIFICATION DATE

DELIVERY MODE

07/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com

request@slwip.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/710,835	Applicant(s) DIRSTINE, ADAM D.	
	Examiner THU V. HUYNH	Art Unit 2178	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 16, 17, 19-26 and 31-38.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Thu Huynh/
 Primary Examiner, Art Unit 2178
 July 2, 2010

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues with respect to claims 16 and 31 that the combination of Cseri, Eller and Petersen does not result in what is claimed by the applicant, such as "convert the compressed binary stream into compressed ASCII text encoded from the compressed binary stream, and format the compressed ASCII text so as to form a compressed valid XML document" (Remarks, pages 6-8).

Examiner respectfully disagrees. Cseri teaches compressing XML formatted document into XML binary formatted document (Cseri, fig.4A); converting XML binary formatted document into parsed XML data by a parser (Cseri, fig.4B). Eller teaches a parser parsing binary data into XML recognizable ASCII text encoded and formatting the XML document form a valid XML document (Eller, fig.2, [0018]-[0019], [0044]). Therefore, the combination of Cseri and Eller teaches converting binary document into XML document, wherein the XML document is ASCII text formatted and validating the XML. Petersen teaches XML is compressed into short token (Petersen, [0083]). Therefore, the combination of Petersen, Eller and Cseri teaches "convert the compressed binary stream into compressed ASCII text encoded from the compressed binary stream, and format the compressed ASCII text so as to form a compressed valid XML document"

Applicant argues with respect to claim 38 that "Applicant cannot find a decompression module configured to decompress a compressed valid XML document received over the network" (Remarks, page 9).

Examiner respectfully disagrees. As explained in the argument above, the combination of Petersen, Eller and Cseri teaches compressed valid XML document. Both Cseri and Eller teach decompressed/convert a well form XML document (Cseri, [0062], well-form XML document; Eller, [0034], well-form and valid XML document), wherein Cseri's system can be deployed in a network environment and program modules can be executed by one or more computers located in both local and remote (Cseri, [0020]). Therefore, it would have been obvious to a person ordinary skill in the art to converting/decompressing XML documents, such as valid, well-form or compressed valid XML document to binary.

Applicant mainly argues with respect to claim 17, 19, 23, 26, 34, 36-37 based on arguments of independent claims 16 or 31.

As explained above, independent claims 16, 31 are still maintaining rejected. Therefore, such dependent claims are still rejected under the same rationale..